

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0429-01  
Bill No.: HB 65  
Subject: Corrections Department; Crimes and Punishment; Courts; Probation and Parole  
Type: Original  
Date: February 14, 2011

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Bill Summary: This proposal requires the Department of Corrections to establish the Shock Time for Felony Probationers Program to give courts an alternative to imposing a sentence for nonviolent offenders who have violated their probation.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Office of the State Public Defender** and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Corrections (DOC)** state current law allows for shock incarceration when probation is revoked. The court does not have to impose a conventional sentence prior to probation, which is a suspended imposition of sentence (SIS). This proposal extends shock incarceration to SIS probation cases. Passage of this bill would allow the court to send probation violators to DOC who would otherwise do "shock time" in a local jail. This proposal is for non-violent offenders and it is unknown how often the courts would use the program. DOC would not be allowed to refuse based on eligibility or bed space. Current cases to serve a shock incarceration require a completed report by parole officers submitted to a Judge for aid in their decision-making process and if this were required for these type of cases, additional FTE may be required to perform these duties.

If an offender who has spent the "shock time" in DOC is subsequently incarcerated in the future, there is concern as to whether the shock time would count as a commitment. Commitment counts are used to determine the percentage of a sentence an individual must serve before he or she becomes eligible for parole or conditional release pursuant to §558.019. It is assumed the intent is for the "shock time" to be treated similarly to the 120-day programs pursuant to both §559.115 and §217.378, neither of which are counted as a commitment. However, without the explicit language in statute, DOC's interpretation would be subject to legal challenge.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY10 average of \$16.397 per offender, per day, or an annual cost of \$5,985 per inmate) or through supervision provided by the Board of Probation and Parole (FY10 average of \$3.92 per offender, per day or an annual cost of \$1,431 per offender).

In summary, supervision by the DOC through incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

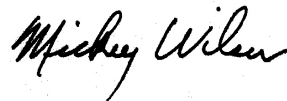
FISCAL DESCRIPTION

This bill requires the Department of Corrections to establish by regulation the Shock Time for Felony Probationers Program to give courts an alternative to imposing a sentence for a felony nonviolent offender who has violated the terms of his or her probation in which no sentence has been imposed. An offender in this program will be required to serve a shock detention of between 90 and 120 days in the department as an alternative to the court imposing a conventional sentence.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections  
Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
February 14, 2011